

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Case No.:

Plaintiff,

v.

JOT LOGISTICS, INC., GURPINDER
SINGH, and UNITED SPECIALTY
INSURANCE COMPANY,

Defendants.

**Exhibit “B”: A complete copy of the docket
from the Circuit Clerk**

Case Docket Entries

CC-34-2022-C-26

Court: Circuit	County: 34 - Nicholas	Created Date: 4/11/2022	Security Level: Public
Judge: Stephen O. Callaghan	Case Type: Civil	Case Sub-Type: Other	Status: Open

Related Cases:

Style: **Billy G. Blankenship II v. JOT Logistics, Inc.**

	<u>Entered Date</u>	<u>Event</u>	<u>Ref. Code</u>	<u>Description</u>
1	4/11/2022 3:26:23 PM	E-Filed		Complaint
	1-1 4/11/2022	Civil Case Information Statement		
	1-2 4/11/2022	Complaint - Complaint		
	1-3 4/11/2022	Supporting Document - Civil Case Information Statement		
	1-4 4/11/2022	Transmittal		
	1-5 4/11/2022	Summons		
2	4/11/2022 3:26:23 PM	Judge Assigned	J-34005	Stephen O. Callaghan
3	4/11/2022 3:26:23 PM	Party Added	P-001	Billy G. Blankenship, II
4	4/11/2022 3:26:23 PM	Party Added	D-001	JOT Logistics, Inc.
5	4/11/2022 3:26:23 PM	Party Added	D-002	Gurpinder Singh
6	4/11/2022 3:26:23 PM	Party Added	D-003	United Specialty Insurance Company
7	4/11/2022 3:26:23 PM	Attorney Listed	P-001	A-6674 - James C. Stebbins
8	4/11/2022 3:26:23 PM	Service Requested	D-001	Plaintiff - Secretary of State
9	4/11/2022 3:26:23 PM	Service Requested	D-002	Plaintiff - Secretary of State
10	4/11/2022 3:26:23 PM	Service Requested	D-003	Plaintiff - Secretary of State
11	4/11/2022 3:52:17 PM	E-Filed		Supporting Documents - Summons for JOT Logistics, Inc.
	11-1 4/11/2022	Supporting Document - Summons for JOT Logistics, Inc.		
	11-2 4/11/2022	Supporting Document - Summons - Gurpinder Singh		
	11-3 4/11/2022	Supporting Document - Summons for United Specialty Insurance Company		
	11-4 4/11/2022	Transmittal		
12	4/22/2022 10:26:55 AM	E-Docketed		Service Return - S&C RET/ACCEPTED BY SOS ON BEHALF OF UNITED SPECIALTY INSURANCE CO ON 4/18/22.
	12-1 4/22/2022	Service Return - S&C RET/ACCEPTED BY SOS ON BEHALF OF UNITED SPECIALTY INSURANCE CO ON 4/18/22.		
	12-2 4/22/2022	Transmittal		
13	4/22/2022 10:30:37 AM	E-Docketed		Service Return - Service Return - S&C RET/ACCEPTED BY SOS ON BEHALF OF JOT LOGISTICS, INC ON 4/18/22.
	13-1 4/22/2022	Service Return - Service Return - S&C RET/ACCEPTED BY SOS ON BEHALF OF JOT LOGISTICS, INC ON 4/18/22.		
	13-2 4/22/2022	Transmittal		
14	4/22/2022 10:32:33 AM	E-Docketed		Service Return - Service Return - S&C RET/ACCEPTED BY SOS ON BEHALF OF GURPINDER SINGH ON 4/18/22.
	14-1 4/22/2022	Service Return - Service Return - S&C RET/ACCEPTED BY SOS ON BEHALF OF GURPINDER SINGH ON 4/18/22.		
	14-2 4/22/2022	Transmittal		
15	4/27/2022 10:38:46 AM	E-Docketed		Supporting Documents - CERT MAIL RECEIPT SIGNED BY SK FOR GURPINDER SINGH ON 4/22/22.
	15-1 4/27/2022	Service Return - CERT MAIL RECEIPT SIGNED BY SK FOR GURPINDER SINGH ON 4/22/22.		
	15-2 4/27/2022	Transmittal		
16	4/27/2022 10:43:50 AM	E-Docketed		Supporting Documents - S&C CERT MAIL RET/SIGNED FOR BY NATASHA MUSHTUNG FOR UNITED SPECIALTY INS ON 4/21/22.

Case Docket Entries

CC-34-2022-C-26

<u>Entered Date</u>	<u>Event</u>	<u>Ref. Code</u>	<u>Description</u>
16-1 4/27/2022	Service Return - S&C CERT MAIL RET/SIGNED FOR BY NATASHA MUSHUNG FOR UNITED SPECIALTY INS ON 4/21/22.		
16-2 4/27/2022	Transmittal		
17 4/27/2022 11:57:17 AM	E-Filed		Supporting Documents - Notice of Change of Attorney Information
17-1 4/27/2022	Supporting Document - Notice of Change of Attorney Information		
17-2 4/27/2022	Transmittal		
18 4/27/2022 11:57:17 AM	Attorney Listed	P-001	A-7693 - Brian Elliott Bigelow
19 4/28/2022 9:13:13 AM	Attorney Removed	P-001	A-6674 - James C. Stebbins
20 5/6/2022 4:40:53 PM	E-Filed		Answer - Complaint Denied
20-1 5/6/2022	Civil Case Information Statement		
20-2 5/6/2022	Answer - Answer to Complaint by JOT Logistics, Inc., Gurpinder Singh		
20-3 5/6/2022	Transmittal		
21 5/6/2022 4:40:53 PM	Attorney Listed	D-001	A-13074 - Clinton Wes Verity
22 5/6/2022 4:40:53 PM	Attorney Listed	D-002	A-13074 - Clinton Wes Verity
23 5/6/2022 4:42:43 PM	E-Filed		Motion - Motion to Dismiss
23-1 5/6/2022	Motion - Motion to Dismiss Count III JOT Logistics, Inc.		
23-2 5/6/2022	Transmittal		
24 5/17/2022 12:59:35 PM	E-Docketed		Supporting Documents - CERT MAIL RECEIPT SIGNED BY S K FOR GURPINDER SING ON 4/22/22.
24-1 5/17/2022	Service Return - CERT MAIL RECEIPT SIGNED BY S K FOR GURPINDER SING ON 4/22/22.		
24-2 5/17/2022	Transmittal		
25 5/17/2022 1:01:15 PM	E-Docketed		Supporting Documents - CERT MAIL RECEIPT SIGNED BY NATASHA MUSHUNG ON 4/21/22.
25-1 5/17/2022	Service Return - CERT MAIL RECEIPT SIGNED BY NATASHA MUSHUNG ON 4/21/22.		
25-2 5/17/2022	Transmittal		

COVER SHEET

E-FILED | 4/11/2022 3:26 PM
 CC-34-2022-C-26
 Nicholas County Circuit Clerk
 Debbie Facemire

GENERAL INFORMATION

IN THE CIRCUIT COURT OF NICHOLAS COUNTY WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.**First Plaintiff:**

Business Individual
 Government Other

First Defendant:

Business Individual
 Government Other

Judge:

Stephen O. Callaghan

COMPLAINT INFORMATION**Case Type:** Civil**Complaint Type:** Other

Origin: Initial Filing Appeal from Municipal Court Appeal from Magistrate Court

Jury Trial Requested: Yes No **Case will be ready for trial by:** _____

Mediation Requested: Yes No

Substantial Hardship Requested: Yes No

Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

I am proceeding without an attorney

I have an attorney: James Stebbins, 746 MYRTLE RD, CHARLESTON, WV 25314

SERVED PARTIES

Name: JOT Logistics, Inc.
Address: 2330 Vehicle Drive Apt. 123, Rancho Cordova CA 95670
Days to Answer: 30 **Type of Service:** Plaintiff - Secretary of State

Name: Gurbinder Singh
Address: 7235 French Road Apt. 8C, Sacramento CA 95828
Days to Answer: 30 **Type of Service:** Plaintiff - Secretary of State

Name: United Specialty Insurance Company
Address: 1900 L. Don Dodson Drive, Bedord TX 76021
Days to Answer: 30 **Type of Service:** Plaintiff - Secretary of State

E-FILED | 4/11/2022 3:26 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: _____

**JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY,**

HONORABLE: _____

Defendants.

COMPLAINT

NOW COMES the Plaintiff, Billy G. Blankenship, II, by and through his counsel, Farmer, Cline & Campbell, PLLC, and hereby states the following for his Complaint against the Defendants Jot Logistics, Inc., Gurpinder Singh, and United Specialty Insurance Company:

Parties and Jurisdiction

1. Plaintiff Billy G. Blankenship, II is a resident of Oak Hill, Fayette County, West Virginia.
2. Defendant JOT Logistics, Inc. (hereafter referred to as "JOT"), is, upon information and belief, a California Corporation having a principal office address of 2330 Vehicle Dr., Apt. 123, Rancho Cordova, California, 95670.
3. JOT is registered with the U.S. Department of Transportation under U.S. D.O.T. No. 3186905.
4. Defendant Gurpinder Singh (hereinafter "SINGH") is, upon information and belief, a resident of Sacramento, Sacramento County, California.

5. Defendant United Specialty Insurance Company (hereinafter "UNITED SPECIALTY"), is, upon information and belief, a Delaware Corporation having a principal office address of 1900 L. Don Dodson Drive, Bedford, Texas, 76021.

6. This Court has jurisdiction over the parties and claims asserted in this action as the incident which forms the basis of this Complaint occurred in Nicholas County, West Virginia and because Defendants JOT, SINGH, and UNITED SPECIALTY had certain contacts within the State of West Virginia.

7. Pursuant to *West Virginia Code* § 56-1-1, this Court is an appropriate venue for this action as it is the location where the underlying incident occurred and the causes of action arose.

General Facts

8. On March 2, 2022, Plaintiff Billy G. Blankenship, II was driving a 2008 Dodge Caravan westbound through a green light over Route 19 from Industrial Drive to Wal Street in Summersville, Nicholas County, West Virginia.

9. At the same time and place, SINGH was operating a 2022 Kenworth Tractor and loaded trailer northbound on Route 19.

10. As Mr. Blankenship went through the intersection under a green light, SINGH ran a red light in his direction and struck the left rear of the Dodge Caravan.

11. While at the scene of the collision, SINGH admitted he ran a red light and claimed he could not stop as he was hauling over 41,000 pounds of freight.

12. Plaintiff suffered bodily injuries as a direct and proximate result of the crash.

13. At the time of the crash, the Kenworth Tractor that SINGH was operating was owned and /or was being operated by SINGH under the direction and authority of JOT and the Kenworth Tractor bore the name of JOT and the U.S. D.O.T. number for JOT.

14. At the time of the crash, SINGH was employed by JOT as a commercial motor vehicle driver.

15. At the time of the crash, SINGH was acting as an agent of JOT.

16. At the time of the crash, SINGH was a permissive user of the Kenworth Tractor and the trailer involved in the crash.

17. JOT and SINGH are responsible for causing the crash.

18. JOT and SINGH accept responsibility for causing the crash.

19. JOT and SINGH accept responsibility for causing the crash and all damages directly and proximately caused by the crash.

COUNT I - Negligence, Recklessness, and *Prima Facie* Negligence of Gurbinder Singh

20. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if each were fully set forth in their entirety.

21. At all relevant times, SINGH owed certain duties to members of the public, including the Plaintiff.

22. In addition to those instances of negligence set forth elsewhere in this Complaint, SINGH was negligent in at least the following specific ways:

- (a) Failing to adhere to safe driving principles expected of professional truck drivers with a CDL;
- (b) failing to operate the tractor-trailer in accordance with generally accepted safety principles and practices of the trucking industry;

- (c) failing to keep his vehicle under control;
- (d) running a red light;
- (e) traveling too fast for the conditions and at such a speed that he was not able to stop at a red light and avoid striking Plaintiff's vehicle which had the right of way;
- (f) driving his vehicle in reckless disregard for the safety of other people on the road; and
- (g) failing to use that degree of care and caution that a reasonable and prudent person would have exercised under the same or similar circumstances.

23. At the time of the collision, SINGH was operating a commercial motor vehicle in interstate commerce and was subject to the Federal Motor Carrier Safety Regulations.

24. At the time of the collision, SINGH was also subject to the laws of the State of West Virginia governing the operation of interstate commercial motor vehicles on West Virginia's public roadways.

25. Plaintiff is entitled to a finding of *prima facie* negligence on the part of SINGH because it is clear that he violated Federal Motor Carrier Safety Regulations and various rules of the road as incorporated into the laws and regulations of West Virginia.

26. Chapter 49, Part 392.2 of the Code of Federal Regulations provides, in pertinent part: “[e]very commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.” *Id.*

27. Pursuant to West Virginia law, specifically *West Virginia Code §§ 17C-3-4, 17C-6-1, and 17C-5-3*, SINGH was required to: (a) obey the instructions of all official traffic control devices; (b) not drive at a speed greater than that which was reasonable and prudent under the existing conditions and actual and potential hazards; (c) control his speed as necessary to avoid colliding with

any person, vehicle, or other conveyance on or entering the highways; (d) use due care and maintain control of the tractor-trailer he was operating; and (e) not engage in a willful or wanton disregard for the safety of other persons or property.

28. SINGH violated the requirements of *West Virginia Code §§ 17C-3-4, 17C-6-1, and 17C-5-3* by, among other things, failing to stop at a red light; driving at a speed greater than that which was reasonable and prudent under the existing conditions and actual and potential hazards; failing to control his speed as necessary to avoid colliding with the vehicle Plaintiff was operating; failing to use due care and maintain control of the tractor-trailer he was operating; and engaging in a willful or wanton disregard for the safety of other persons or property.

29. SINGH's negligent and/or reckless conduct proximately caused the crash.

COUNT II - Jot Logistic Inc.'s Vicarious Liability for the Negligence of Singh

30. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if each were fully set forth in their entirety.

31. At the time of the collision, SINGH was acting within the course and scope of his employment or agency with JOT.

32. Under the principles of *respondeat superior*, actual agency and/or apparent agency, JOT is vicariously liable and legally responsible for the negligent and/or reckless acts and omissions of SINGH.

33. By virtue of vicarious liability, JOT is liable to Plaintiff for all damages allowed by law and as set forth herein.

34. Plaintiff Blankenship was free from all negligence at all times relevant to this Complaint and did not contribute to his own injuries.

COUNT III - Independent Negligence of Jot Logistic Inc.

35. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if each were fully set forth in their entirety.

36. Under 49 C.F.R. § 391.11, “a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle.” *Id.*

37. Upon information and belief, JOT knew or should have known that SINGH was not personally qualified and/or did not possess the required knowledge and skill to safely operate the tractor-trailer involved in the crash.

38. Despite this knowledge, JOT nevertheless decided to require or permit SINGH to operate the tractor-trailer he was operating at the time of the crash.

39. JOT owed various duties to the public in general and to Plaintiff in particular regarding the safety of its operations including, but not limited to, investigating SINGH’s background, experience, training, knowledge, and skills for operating a commercial motor vehicle and to assure that he had the requisite knowledge, training and skills to safely operate a commercial motor vehicle on JOT’s behalf in interstate commerce.

40. JOT breached the above duties by negligently hiring and retaining SINGH and by failing to properly investigate his background, experience, knowledge, and skills with respect to the safe operation of a commercial motor vehicle.

41. As a direct and proximate result of JOT and SINGH’s negligent, careless and/or reckless conduct as described in Counts I-III, Plaintiff Blankenship suffered significant injuries to his body, for which he has and will continue to experience and/or incur:

- (a) medical expenses, past and future;
- (b) pain and suffering, past and future;
- (c) physical limitations, past and future;
- (d) diminished capacity to enjoy life, past and future;
- (e) loss of earning capacity, future;
- (f) annoyance and inconvenience, past and future; and
- (g) other consequences and damages associated with his injuries as may be specified as this action progresses, past and future.

COUNT IV - Declaratory Judgment

42. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if each were fully set forth in their entirety.

43. This Count is brought pursuant to Rule 57 of the *West Virginia Rules of Civil Procedure, The Uniform Declaratory Judgments Act* found at *West Virginia Code § 55-13-1 et seq.*, and in accordance with the principles set forth in *Christian v. Sizemore*, 181 W.Va. 628, 383 S.E.2d 810 (1989).

44. At all relevant times, JOT was insured by a liability insurance policy issued by UNITED SPECIALTY (Policy No. GWP7442800) which was in full force and effect on the date of the crash.

45. On March 30, 2022, Plaintiff, through undersigned counsel, reported a bodily injury claim in writing to UNITED SPECIALTY through UNITED SPECIALTY's third-party administrator, Superior Risk Management.

46. The same day (March 30, 2022), Superior Risk Management denied the claim in writing on behalf of UNITED SPECIALTY on the sole basis that: "we have concluded that the

driver in this loss is EXCLUDED under Jot Logistics, Inc. Therefore, there would not be any coverage afforded under this liability policy.”

47. Upon information and belief, as required by federal law (49 C.F.R. § 387), the UNITED SPECIALTY policy contained a form “MCS-90” endorsement.

48. Under well-established federal law, the primary purpose of an MCS-90 endorsement is to assure that injured members of the public are able to obtain and recover a judgment from negligent authorized interstate carriers and the endorsement is widely recognized to create a “suretyship” by the insurer to protect the public when the insurance policy to which the MCS-90 endorsement is attached “otherwise provides no coverage to the insured.” *Canal Ins. Co. V. Distribution Servs.*, 320 F.3d 488 (4th Cir. 2003).

49. To the extent that UNITED SPECIALTY is correct that there is no coverage under the policy for SINGH and/or JOT based upon the alleged “named driver” exclusion, UNITED SPECIALTY will nevertheless be obligated to pay any judgment entered against its insured up to the limits of the MCS-90 endorsement which, under 49 C.F.R. § 387.9, must be at least \$750,000.

Id.

50. Plaintiff Blankenship requests that the Court, pursuant to Rule 57 of the *West Virginia Rules of Civil Procedure*, advance this action on the Court’s calendar and order a speedy hearing on the insurance coverage issues set forth in COUNT IV of Plaintiff’s Complaint. Further, Plaintiff Blankenship seeks a declaration from this Court, pursuant to *West Virginia Code § 55-13-1 et seq.*, that Defendant UNITED SPECIALTY shall indemnify Defendant JOT and/or SINGH in an amount matching the limits of the MCS-90 endorsement for United Specialty Insurance Company Policy No. GWP7442800 for claims arising out of the collision of March 2, 2022.

WHEREFORE, Plaintiff Billy G. Blankenship, II requests that he be awarded judgment against Defendants Jot Logistics, Inc., Gurpinder Singh, and United Specialty Insurance Company for the following:

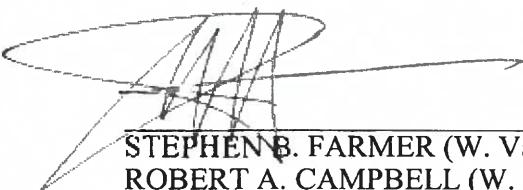
- (a) compensatory damages in an amount to be determined by a jury;
- (b) punitive damages, to the extent that the conduct of any or all of the Defendants warrants such damages;
- (c) a declaratory judgment from the Court that Defendant United Specialty Insurance Company shall indemnify Defendant Jot Logistics, Inc. and/or Gurpinder Singh in an amount matching the limits of the MCS-90 endorsement for United Specialty Insurance Company Policy No. GWP7442800;
- (d) pre and post judgement interest as allowed by law;
- (e) attorneys' fees, costs and expenses incurred in connection with this action including fees and costs related to the declaratory judgment portion of this action; and
- (f) such other and further relief as the Court deems just and appropriate under the circumstances.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

BILLY G. BLANKENSHIP, II,

Plaintiff,

By Counsel:



STEPHEN B. FARMER (W. Va. State Bar No. 1165)
ROBERT A. CAMPBELL (W. Va. State Bar No. 6052)
BRIAN E. BIGELOW (W. Va. State Bar No. 7693)
JAMES C. STEBBINS (W. Va. State Bar No. 6674)
FARMER CLINE & CAMPBELL PLLC
746 Myrtle Road (25314)
P. O. Box 3842
Charleston, West Virginia 25338
(304) 346-5990

**CIVIL CASE INFORMATION STATEMENT
CIVIL CASES****IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA****I. CASE STYLE:****BILLY G. BLANKENSHIP, II,****Plaintiff,****v.****CIVIL ACTION NO.: _____****HONORABLE: _____**

Defendant(s)	Days to <u>Answer</u>	Type of Service
JOT LOGISTICS, INC. 2330 Vehicle Drive, Apt. 123 Rancho Cordova, CA 95670	30	Secretary of State
GURPINDER SINGH 7235 French Road, Apt. 8C Sacramento, CA 95828	20	Secretary of State
UNITED SPECIALTY INSURANCE COMPANY 1900 L. Dona Dodson Drive Bedford, TX 76021	30	Secretary of State

PLAINTIFF: Billy Gene Blankenship, II	CASE NUMBER:
DEFENDANT: Gurpinder Singh, et al.	

II. TYPE OF CASE:

TORTS		OTHER CIVIL
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input checked="" type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	<input type="checkbox"/> Fraud and Conversion

III. JURY DEMAND: Yes NoCASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 4 / 2023IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? YES NO

IF YES, PLEASE SPECIFY:

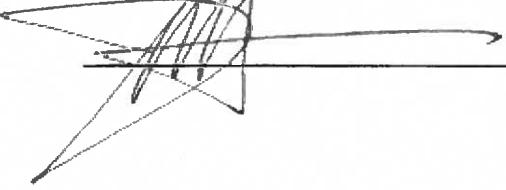
- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: Unknown at this time

Attorney Name: Stephen B. Farmer (WV State Bar No. 1165)
 Robert A. Campbell (WV State Bar No. 6052)
 Brian E. Bigelow (W. Va. State Bar No. 7693)
 James C. Stebbins (WV State Bar No. 6674)

Firm: FARMER, CLINE & CAMPBELL, PLLCAddress: P.O. Box 3842
 Charleston, WV 25338

Telephone: (304) 346-5990

Dated: March 18, 2022

Signature: 

Representing:

- Plaintiffs
- Defendant
- Cross-Defendant
- Cross-Complainant
- Pro Se



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following complaint was FILED on 4/11/2022 3:26:18 PM

Notice Date: 4/11/2022 3:26:18 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: JOT Logistics, Inc.
2330 Vehicle Drive
Apt. 123
Rancho Cordova, CA 95670

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following complaint was FILED on 4/11/2022 3:26:18 PM

Notice Date: 4/11/2022 3:26:18 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Gurbinder Singh
7235 French Road
Apt. 8C
Sacramento, CA 95828

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following complaint was FILED on 4/11/2022 3:26:18 PM

Notice Date: 4/11/2022 3:26:18 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: United Specialty Insurance Company
1900 L. Don Dodson Drive
Bedord, TX 76021

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following complaint was FILED on 4/11/2022 3:26:18 PM

Notice Date: 4/11/2022 3:26:18 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

SUMMONS

E-FILED | 4/11/2022 3:26 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

IN THE CIRCUIT OF NICHOLAS WEST VIRGINIA
Billy G. Blankenship II v. JOT Logistics, Inc.

Service Type: Plaintiff - Secretary of State

NOTICE TO: JOT Logistics, Inc., 2330 Vehicle Drive, Apt. 123, Rancho Cordova, CA 95670

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

James Stebbins, 746 MYRTLE RD, CHARLESTON, WV 25314

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

4/11/2022 3:26:18 PM

/s/ Debbie Facemire

Date

Clerk

RETURN ON SERVICE:

Return receipt of certified mail received in this office on _____

I certify that I personally delivered a copy of the Summons and Complaint to _____

I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by _____ advising such person of the purpose of the summons and complaint.

Not Found in Bailiwick

Date

Server's Signature

SUMMONS

E-FILED | 4/11/2022 3:26 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

IN THE CIRCUIT OF NICHOLAS WEST VIRGINIA
Billy G. Blankenship II v. JOT Logistics, Inc.

Service Type: Plaintiff - Secretary of State

NOTICE TO: Gurpinder Singh, 7235 French Road, Apt. 8C, Sacramento, CA 95828

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

James Stebbins, 746 MYRTLE RD, CHARLESTON, WV 25314

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

4/11/2022 3:26:18 PM

/s/ Debbie Facemire

Date

Clerk

RETURN ON SERVICE:

Return receipt of certified mail received in this office on _____

I certify that I personally delivered a copy of the Summons and Complaint to _____

I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by _____ advising such person of the purpose of the summons and complaint.

Not Found in Bailiwick

Date

Server's Signature

SUMMONS

E-FILED | 4/11/2022 3:26 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

IN THE CIRCUIT OF NICHOLAS WEST VIRGINIA
Billy G. Blankenship II v. JOT Logistics, Inc.

Service Type: Plaintiff - Secretary of State

NOTICE TO: United Specialty Insurance Company, 1900 L. Don Dodson Drive, Bedford, TX 76021

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

James Stebbins, 746 MYRTLE RD, CHARLESTON, WV 25314

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

4/11/2022 3:26:18 PM

/s/ Debbie Facemire

Date

Clerk

RETURN ON SERVICE:

Return receipt of certified mail received in this office on _____

I certify that I personally delivered a copy of the Summons and Complaint to _____

I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by _____ advising such person of the purpose of the summons and complaint.

Not Found in Bailiwick

Date

Server's Signature

E-FILED | 4/11/2022 3:52 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

SUMMONS

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: 22-C-26

HONORABLE STEPHEN O. CALLAGHAN

**JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY,**

Defendants.

**TO: JOT LOGISTICS, INC.
2330 Vehicle Drive, Apt. 123
Rancho Cordova, CA 95670**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon James C. Stebbins, Plaintiffs' attorney, whose address is Farmer Cline & Campbell PLLC, 746 Myrtle Road, Charleston, West Virginia, an answer, including any related counterclaim you may have, to the **Complaint** filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of Court

By: _____

E-FILED | 4/11/2022 3:52 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

SUMMONS

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: 22-C-26

HONORABLE STEPHEN O. CALLAGHAN

**JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY,**

Defendants.

**TO: GURPINDER SINGH
7235 French Road, Apt. 8C
Sacramento, CA 95828**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon James C. Stebbins, Plaintiff's attorney, whose address is Farmer Cline & Campbell PLLC, 746 Myrtle Road, Charleston, West Virginia, an answer, including any related counterclaim you may have, to the **Complaint** filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of Court

By: _____

E-FILED | 4/11/2022 3:52 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

SUMMONS

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: 22-C-26

HONORABLE STEPHEN O. CALLAGHAN

**JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY,**

Defendants.

**TO: UNITED SPECIALTY INSURANCE
COMPANY
1900 L. Don Dodson Drive
Bedford, TX 76021**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon James C. Stebbins, Plaintiffs' attorney, whose address is Farmer Cline & Campbell PLLC, 746 Myrtle Road, Charleston, West Virginia, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of Court

By: _____



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/11/2022 3:52:16 PM

Notice Date: 4/11/2022 3:52:16 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: JOT Logistics, Inc.
2330 Vehicle Drive
Apt. 123
Rancho Cordova, CA 95670

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/11/2022 3:52:16 PM

Notice Date: 4/11/2022 3:52:16 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Gurbinder Singh
7235 French Road
Apt. 8C
Sacramento, CA 95828

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/11/2022 3:52:16 PM

Notice Date: 4/11/2022 3:52:16 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: United Specialty Insurance Company
1900 L. Don Dodson Drive
Bedord, TX 76021

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/11/2022 3:52:16 PM

Notice Date: 4/11/2022 3:52:16 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

FILED | 4/22/2022 10:26 AM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
888-767-8683
Visit us online:
www.wvso.com

NICHOLAS COUNTY CIRCUIT CLERK
700 MAIN STREET
SUITE 5
Summersville, WV 26651-1489

Control Number: 291486

Defendant: UNITED SPECIALTY INSURANCE
COMPANY
5098 WEST WASHINGTON STREET
SUITE 407
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Nicholas

Civil Action: 22-C-26

Certified Number: 92148901125134100003491419

Service Date: 4/18/2022

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: 22-C-26

HONORABLE STEPHEN O. CALLAGHAN

JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY,

Defendants.

TO: UNITED SPECIALTY INSURANCE
COMPANY
1900 L. Don Dodson Drive
Bedford, TX 76021

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon James C. Stebbins, Plaintiffs' attorney, whose address is Farmer Cline & Campbell PLLC, 746 Myrtle Road, Charleston, West Virginia, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of Court

By: _____



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James C. Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following service return was FILED on 4/22/2022 10:26:53 AM

Notice Date: 4/22/2022 10:26:53 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

FILED | 4/22/2022 10:30 AM

CC-34-2022-C-26

Nicholas County Circuit Clerk

Debbie Facemire

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner

Secretary of State

State of West Virginia

Phone: 304-558-6000

888-767-8683

Visit us online:

www.wvso5.com

NICHOLAS COUNTY CIRCUIT CLERK
700 MAIN STREET
SUITE 5
Summersville, WV 26651-1489

Control Number: 291487

Defendant: JOT LOGISTICS, INC.
2330 VEHICLE DRIVE
APT 123
RANCHO CORDOVA, CA 95670 US

County: Nicholas

Civil Action: 22-C-26

Certified Number: 92148901125134100003491426

Service Date: 4/18/2022

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your unauthorized foreign corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

FILED 4/11/2022 3:52 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

SUMMONS

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II.

Plaintiff.

v.

CIVIL ACTION NO.: 22-C-26

HONORABLE STEPHEN O. CALLAGHAN

JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY.

Defendants.

TO: JOT LOGISTICS, INC.
2330 Vehicle Drive, Apt. 123
Rancho Cordova, CA 95670

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon James C. Stebbins, Plaintiffs' attorney, whose address is Farmer Cline & Campbell PLLC, 746 Myrtle Road, Charleston, West Virginia, an answer, including any related counterclaim you may have, to the **Complaint** filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of Court

By: _____



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James C. Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following service return was FILED on 4/22/2022 10:30:34 AM

Notice Date: 4/22/2022 10:30:34 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

FILED | 4/22/2022 10:32 AM

CC-34-2022-C-26

Nicholas County Circuit Clerk

Debbie Facemire



Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
888-767-8683
Visit us online:
www.wvso5.com

NICHOLAS COUNTY CIRCUIT CLERK
700 MAIN STREET
SUITE 5
Summersville, WV 26651-1489

Control Number: 291488

Defendant: GURPINDER SINGH
7235 FRENCH ROAD
APT 8C
SACRAMENTO, CA 95828 US

County: Nicholas
Civil Action: 22-C-26
Certified Number: 92148901125134100003491433
Service Date: 4/18/2022

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

E-FILED | 4/11/2022 3:52 PM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

SUMMONS

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: 22-C-26

HONORABLE STEPHEN O. CALLAGHAN

JOT LOGISTICS, INC.,
GURPINDER SINGH, and
UNITED SPECIALTY INSURANCE
COMPANY,

Defendants.

TO: GURPINDER SINGH
7235 French Road, Apt. 8C
Sacramento, CA 95828

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon James C. Stebbins, Plaintiff's attorney, whose address is Farmer Cline & Campbell PLLC, 746 Myrtle Road, Charleston, West Virginia, an answer, including any related counterclaim you may have, to the **Complaint** filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer to the Complaint within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of Court

By: _____



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James C. Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following service return was FILED on 4/22/2022 10:32:30 AM

Notice Date: 4/22/2022 10:32:30 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



FILED | 4/27/2022 10:38 AM

CC-34-2022-C-26

Nicholas County Circuit Clerk

Debbie Facemire

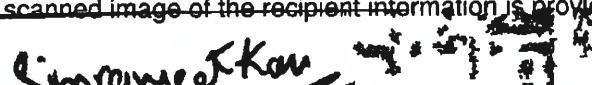
22-C-26

Date Produced: 04/25/2022

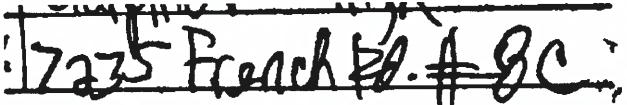
WEST VIRGINIA SECRETARY OF STATE:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1251 3410 0003 4914 33. Our records indicate that this item was delivered on 04/22/2022 at 04:13 p.m. in SACRAMENTO, CA 95828. The scanned image of the recipient information is provided below.

Signature of Recipient :




Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 349143



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James C. Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 10:38:45 AM

Notice Date: 4/27/2022 10:38:45 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



FILED | 4/27/2022 10:43 AM
CC-34-2022-C-26
Nicholas County Circuit Clerk
Debbie Facemire

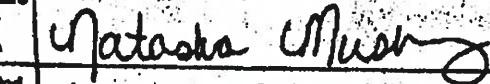
Date Produced: 04/25/2022

22-C-26

WEST VIRGINIA SECRETARY OF STATE:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1251 3410 0003 4914 19. Our records indicate that this item was delivered on 04/21/2022 at 08:35 a.m. in CHARLESTON, WV 25313. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed Name	Natasha Mishuna

Address of Recipient :

Delivery Address	509½ Wash St. W. Ste. 407
------------------	---------------------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 349141



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James C. Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 10:43:48 AM

Notice Date: 4/27/2022 10:43:48 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

CIVIL ACTION NO.: 22-C-26
HONORABLE STEPHEN O. CALLAGHAN

**JOT LOGISTICS, INC., GURPINDER
SINGH, and UNITED SPECIALTY
INSURANCE COMPANY,**

Defendants.

NOTICE OF CHANGE OF ATTORNEY INFORMATION

Please take notice that the address and telephone number for Plaintiff's counsel should be changed as follows:

Stephen B. Farmer, Esquire
Robert A. Campbell, Esquire
Brian E. Bigelow, Esquire
Farmer, Cline & Campbell, PLLC
Post Office Box 5559
101 N. Kanawha Street, Ste. 101
Beckley, WV 25801

Copies of all future pleadings, correspondence and any other documentation should be addressed accordingly.

BILLY G. BLANKENSHIP, II,

Plaintiff,

By Counsel:

/s/ Brian E. Bigelow
STEPHEN B. FARMER (W. Va. State Bar No. 1165)
ROBERT A. CAMPBELL (W. Va. State Bar No. 6052)
BRIAN E. BIGELOW (W. Va. State Bar No. 7693)
FARMER CLINE & CAMPBELL PLLC
Post Office Box 5559
101 N. Kanawha Street, Ste. 101
Beckley, WV 25801
(304) 252-5990



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Brian Bigelow
bebigelow@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 11:57:10 AM

Notice Date: 4/27/2022 11:57:10 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: JOT Logistics, Inc.
2330 Vehicle Drive
Apt. 123
Rancho Cordova, CA 95670

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 11:57:10 AM

Notice Date: 4/27/2022 11:57:10 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Gurbinder Singh
7235 French Road
Apt. 8C
Sacramento, CA 95828

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 11:57:10 AM

Notice Date: 4/27/2022 11:57:10 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: United Specialty Insurance Company
1900 L. Don Dodson Drive
Bedord, TX 76021

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 11:57:10 AM

Notice Date: 4/27/2022 11:57:10 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: James C. Stebbins
jcstebbins@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 4/27/2022 11:57:10 AM

Notice Date: 4/27/2022 11:57:10 AM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

COVER SHEET

E-FILED | 5/6/2022 4:40 PM
 CC-34-2022-C-26
 Nicholas County Circuit Clerk
 Debbie Facemire

GENERAL INFORMATION

IN THE CIRCUIT COURT OF NICHOLAS COUNTY WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.**First Plaintiff:**

Business Individual
 Government Other

First Defendant:

Business Individual
 Government Other

Judge:

Stephen O. Callaghan

COMPLAINT INFORMATION**Case Type:** Civil**Complaint Type:** Other

Origin: Initial Filing Appeal from Municipal Court Appeal from Magistrate Court

Jury Trial Requested: Yes No **Case will be ready for trial by:** 5/31/2023

Mediation Requested: Yes No

Substantial Hardship Requested: Yes No

Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

I am proceeding without an attorney

I have an attorney: Clinton Verity, 4951 Lake Brook Dr Ste 100, Glen Allen, VA 23060

SERVED PARTIES

WEST VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF NICHOLAS
BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

Case No. CC-34-2022-C-26

JOT LOGISTICS, INC., GURPINDER
SINGH, AND UNITED SPECIALTY
INSURANCE COMPANY,

Defendants.

ANSWER

JOT Logistics, Inc. and Gurpinder Singh (“Defendants”), by counsel, state as follows for their Answer to Plaintiff’s Complaint:

1. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 1 of the Complaint. To the extent that any further answer be required in response to the allegations contained in Paragraph 1 of the Complaint, all allegations are denied.
2. Defendants admit the allegations contained in Paragraph 2 of the Complaint.
3. Defendants admit the allegations contained in Paragraph 3 of the Complaint.
4. Defendants admit the allegations contained in Paragraph 4 of the Complaint.
5. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 5 of the Complaint. To the extent that any further answer be required in response to the allegations contained in Paragraph 5 of the Complaint, all allegations are denied.
6. The allegations contained in Paragraph 6 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be

required in response to the allegations contained in Paragraph 6 of the Complaint, all allegations are denied.

7. The allegations contained in Paragraph 7 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 7 of the Complaint, all allegations are denied.

General Facts

8. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 8 of the Complaint. To the extent that any further answer be required in response to the allegations contained in Paragraph 8 of the Complaint, all allegations are denied.

9. Defendants admit the allegations contained in Paragraph 9 of the Complaint.

10. Defendants deny the allegations contained in Paragraph 10 of the Complaint.

11. Defendants deny the allegations contained in Paragraph 11 of the Complaint.

12. Defendants deny the allegations contained in Paragraph 12 of the Complaint.

13. Defendants deny the allegations contained in Paragraph 13 of the Complaint.

14. The allegations contained in Paragraph 14 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 14 of the Complaint, all allegations are denied.

15. The allegations contained in Paragraph 15 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 15 of the Complaint, all allegations are denied.

16. Defendants admit the allegations contained in Paragraph 16 of the Complaint.
17. Defendants deny the allegations contained in Paragraph 17 of the Complaint.
18. Defendants deny the allegations contained in Paragraph 18 of the Complaint.
19. Defendants deny the allegations contained in Paragraph 19 of the Complaint.

**COUNT I – Negligence, Recklessness, and Prima
Facia Negligence of Gurpinder Singh**

20. Defendants reiterate and incorporate herein their answers to the allegations contained in all preceding paragraphs.

21. The allegations contained in Paragraph 21 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 21 of the Complaint, all allegations are denied.

22. Defendants deny the allegations contained in Paragraph 22 of the Complaint.

23. The allegations contained in Paragraph 23 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 23 of the Complaint, all allegations are denied.

24. The allegations contained in Paragraph 24 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 24 of the Complaint, all allegations are denied.

25. Defendants deny the allegations contained in Paragraph 25 of the Complaint.

26. The allegations contained in Paragraph 26 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be

required in response to the allegations contained in Paragraph 26 of the Complaint, all allegations are denied.

27. The allegations contained in Paragraph 27 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 27 of the Complaint, all allegations are denied.

28. Defendants deny the allegations contained in Paragraph 28 of the Complaint.

29. Defendants deny the allegations contained in Paragraph 29 of the Complaint.

COUNT II – Jot Logistic Inc.’s Vicarious Liability for the Negligence of Singh

30. Defendants reiterate and incorporate herein their answers to the allegations contained in all preceding paragraphs.

31. The allegations contained in Paragraph 31 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 31 of the Complaint, all allegations are denied.

32. The allegations contained in Paragraph 32 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 32 of the Complaint, all allegations are denied.

33. Defendants deny the allegations contained in Paragraph 33 of the Complaint.

34. Defendants deny the allegations contained in Paragraph 34 of the Complaint.

COUNT III – Independent Negligence of Jot Logistic Inc.

35. Defendants reiterate and incorporate herein their answers to the allegations contained in all preceding paragraphs.

36. The allegations contained in Paragraph 36 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 36 of the Complaint, all allegations are denied.

37. Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38. Defendants deny the allegations contained in Paragraph 38 of the Complaint.

39. The allegations contained in Paragraph 39 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 39 of the Complaint, all allegations are denied.

40. Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41. Defendants deny the allegations contained in Paragraph 41 of the Complaint.

COUNT IV – Declaratory Judgment

42. Defendants reiterate and incorporate herein their answers to the allegations contained in all preceding paragraphs.

43. In answer to Paragraph 43, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendants aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

44. In answer to Paragraph 44, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendants aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

45. In answer to Paragraph 45, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendants aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

46. In answer to Paragraph 46, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendant aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

47. In answer to Paragraph 47, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendant aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

48. In answer to Paragraph 48, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendant aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

49. In answer to Paragraph 49, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer

is required, Defendant aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

50. In answer to Paragraph 50, Defendants aver that the allegations contained in this paragraph are not directed at them and therefore no answer is required. To the extent an answer is required, Defendant aver that they are entitled to coverage but deny the allegations contained therein in the manner and form alleged.

AFFIRMATIVE DEFENSES

51. Defendants denies that they are liable to the Plaintiffs in any amount, for any cause whatsoever.

52. Defendants deny that they committed any act of negligence or wrongful conduct that was a proximate cause of Plaintiff's alleged injuries or damages.

53. Defendants deny that Plaintiffs has been damaged in the amount and to the extent alleged in the Complaint.

54. Defendants aver that Count IV is misjoinder and otherwise improper joinder of claims.

55. Defendants aver that plaintiff may have caused or contributed to the accident alleged in Plaintiff's Complaint.

56. Defendants will rely upon any and all proper and provable defenses that may be revealed through investigation, discovery or the presentation of evidence.

57. Defendants hereby demand a trial by jury.

For the reasons set forth above, JOT Logistics, Inc. and Gurpinder Singh respectfully request that this action be dismissed and that they be awarded their costs in defending this matter.

JOT LOGISTICS, INC. AND
GURPINDER SINGH

By Counsel

/s/ Clinton W. Verity

Clinton W. Verity (WVSB No. 13074)
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
804-747-5200 - Phone
804-747-6085 - Fax
cverity@hccw.com

C E R T I F I C A T E

I hereby certify that a true copy of the foregoing was sent via email this 6th day of May, 2022 to:

Stephen B. Farmer, Esq.
Robert A. Campbell, Esq.
Brian E. Bigelow, Esq.
James C. Stebbins, Esq.
Farmer, Cline & Campbell, PLLC
P. O. Box 3842
Charleston, WV 25314
304-346-5990 - Phone
304-346-5980 - Fax
bebigelow@fcclaw.net

/s/ Clinton W. Verity

Clinton W. Verity



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Clinton Verity
cverity@hccw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following answer was FILED on 5/6/2022 4:40:48 PM

Notice Date: 5/6/2022 4:40:48 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: United Specialty Insurance Company
1900 L. Don Dodson Drive
Bedord, TX 76021

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following answer was FILED on 5/6/2022 4:40:48 PM

Notice Date: 5/6/2022 4:40:48 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Brian Elliott Bigelow
bebigelow@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following answer was FILED on 5/6/2022 4:40:48 PM

Notice Date: 5/6/2022 4:40:48 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

WEST VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF NICHOLAS

BILLY G. BLANKENSHIP, II,

Plaintiff,

v.

Case No. CC-34-2022-C-26

JOT LOGISTICS, INC., GURPINDER
SINGH, AND UNITED SPECIALTY
INSURANCE COMPANY,

Defendants.

**MOTION TO DISMISS COUNT III OF THE COMPLAINT FOR NEGLIGENT HIRING
AND RETENTION**

COMES NOW Defendant JOT Logistics, by counsel, pursuant to Rule 12(b)(6) of the
Rules of Civil Procedure of West Virginia, moves to dismiss this matter for the following reasons:

1. This personal injury action arises out of an automobile accident at the intersection
of Route 19 and Industrial Drive in Summersville, Nicholas County, West Virginia. Compl. ¶¶
8-10.

2. Specifically, plaintiff alleges that defendant Gurpinder Singh was operating a
tractor northbound on Route 19 in the course and scope of his employment with JOT Logistics
when he ran a red light causing an accident with the plaintiff who was operating a 2008 Dodge
Caravan across the intersection on Industrial Drive with a green light. Compl. ¶¶ 8-10.

3. Plaintiff also alleges that Singh admitted at the scene that he ran a red light and
claimed he could not stop as he was hauling over 41,000 pounds of freight.

4. Plaintiff next alleges under Count III of the Complaint that defendant JOT
Logistics “negligently hir[ed] and retain[ed] defendant Singh” and “failed to properly investigate

his background, experience, knowledge, and skills with respect to the safe operation of a commercial vehicle.”

5. However, plaintiff fails to plead any facts in support of a claim for negligent hiring and retention against JOT Logistics and, therefore, the Count III of the Complaint must be dismissed.

6. “The purpose of a motion under Rule 12(b)(6) of the West Virginia Rules of Civil Procedure is to test the sufficiency of the Complaint.” *Cantley v. Lincoln Cty. Comm'n*, 221 W. Va. 468, 470 (2007).

7. To survive a motion to dismiss, a complaint must set forth a claim upon which relief can be granted, Rule 12(b)(6), and provide sufficient notice to the defendant of the nature of the claim alleged, Rule 8(a).

8. Whether a complaint states a claim upon which relief may be granted is to be determined solely from the provisions of such complaint. *Barker v. Traders Bank*, 152 W. Va. 744 (1969).

9. Dismissal for failure to state a claim is proper where it is clear that no relief could be granted under any set of facts that could be provided consistent with the allegations. *Murphy v. Smallridge*, 196 W. Va. 35, 36 (1996).

10. To prevail on a negligent hiring or retention claim, the plaintiff must prove that when the employee was hired or retained, the employer failed to conduct a reasonable investigation into the employee's background vis a vis the job for which the employee was hired and the possible risk of harm or injury to co-workers or third parties that could result from the conduct of an unfit employee. *McCormick v. West Virginia Dept. of Public Safety*, 202 W. Va. 189, 194 (1998).

11. Here, plaintiff alleges only conclusory statements asserting that JOT Logistics failed to “properly investigate his background, experience, knowledge, and skills with respect to the safe operation of a commercial vehicle.” Plaintiff makes no factual allegations whatsoever into what background check or other investigation into defendant Singh that JOT Logistics conducted or didn’t conduct. Furthermore, plaintiff fails to identify how defendant Singh was unfit and how that unfitness was causally related to the accident at hand.

12. As such, Plaintiff fails to state a claim for negligent hiring and retention and Count III of the Complaint should be dismissed.

For the reasons stated above, Defendant JOT Logistics, by counsel, pursuant to 12(b)(6) of the Rules of Civil Procedure of West Virginia, requests this Court to dismiss Count III of the Complaint with prejudice and for such other relief as the Court deems appropriate.

JOT LOGISTICS, INC.

By Counsel

/s/ Clinton W. Verity
Clinton W. Verity (WVSB No. 13074)
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
804-747-5200 - Phone
804-747-6085 - Fax
cverity@hccw.com

C E R T I F I C A T E

I hereby certify that a true copy of the foregoing was sent via Email this 6th day of May, 2022 to:

Stephen B. Farmer, Esq.
Robert A. Campbell, Esq.
Brian E. Bigelow, Esq.
James C. Stebbins, Esq.
Farmer, Cline & Campbell, PLLC
P. O. Box 3842
Charleston, WV 25314
304-346-5990 - Phone
304-346-5980 - Fax
bebigelow@fcclaw.net

/s/ Clinton W. Verity

Clinton W. Verity



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Clinton Verity
cverity@hccw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following motion was FILED on 5/6/2022 4:42:38 PM

Notice Date: 5/6/2022 4:42:38 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: United Specialty Insurance Company
1900 L. Don Dodson Drive
Bedord, TX 76021

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following motion was FILED on 5/6/2022 4:42:38 PM

Notice Date: 5/6/2022 4:42:38 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Brian Elliott Bigelow
bebigelow@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following motion was FILED on 5/6/2022 4:42:38 PM

Notice Date: 5/6/2022 4:42:38 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

FILED | 5/17/2022 12:59 PM

CC-34-2022-C-26

Nicholas County Circuit Clerk

Debbie Facemire

Civil Action Number 22-C-26
Package Identification Code 92148901125134100003491433
Signature Downloaded 4/25/2022 6:02:54 AM
Defendant Name GURPINDER SINGH

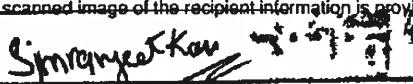
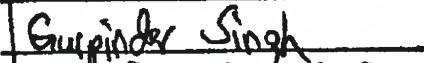


Date Produced: 04/25/2022

WEST VIRGINIA SECRETARY OF STATE:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1251 3410 0003 4914 33. Our records indicate that this item was delivered on 04/22/2022 at 04:13 p.m. in SACRAMENTO, CA 95828. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 349143



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Brian Elliott Bigelow
bebigelow@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 5/17/2022 12:59:34 PM

Notice Date: 5/17/2022 12:59:34 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Clinton Wes Verity
cverity@hccw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 5/17/2022 12:59:34 PM

Notice Date: 5/17/2022 12:59:34 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov

FILED | 5/17/2022 1:01 PM
 CC-34-2022-C-26
 Nicholas County Circuit Clerk
 Debbie Facemire

Civil Action Number 22-C-26
 Package Identification Code 92148901125134100003491419
 Signature Downloaded 4/25/2022 6:02:54 AM
 Defendant Name UNITED SPECIALTY INSURANCE COMPANY



Date Produced: 04/25/2022

WEST VIRGINIA SECRETARY OF STATE:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1251 3410 0003 4914 19. Our records indicate that this item was delivered on 04/21/2022 at 08:35 a.m. in CHARLESTON, WV 25313. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed Name	Natasha Mishuna

Address of Recipient :

Delivery Address	5098 Wash St. N Ste. 407
------------------	--------------------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
 United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 349141



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Brian Elliott Bigelow
bebigelow@fcclaw.net

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 5/17/2022 1:01:12 PM

Notice Date: 5/17/2022 1:01:12 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov



West Virginia E-Filing Notice

CC-34-2022-C-26

Judge: Stephen O. Callaghan

To: Clinton Wes Verity
cverity@hccw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

Billy G. Blankenship II v. JOT Logistics, Inc.

CC-34-2022-C-26

The following supporting documents was FILED on 5/17/2022 1:01:12 PM

Notice Date: 5/17/2022 1:01:12 PM

Debbie Facemire
CLERK OF THE CIRCUIT COURT
Nicholas County
700 Main St Ste 5
SUMMERSVILLE, WV 26651

(304) 872-7810
DeborahR.Facemire@courtswv.gov